

IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1860—Ordered to be printed.

Mr. BIGLER made the following

REPORT.

[To accompany Bill S. 403.]

*The Committee on Patents, to whom were referred the memorial and petition of Thatcher Perkins and William McMahon, make the following report:*

It appears from the testimony in this case that letters patent were granted on the 10th day of April, 1843, to Perkins & McMahon, for improvements in the construction of cast-iron wheels for locomotive steam engines, cars, trucks, &c., which patent expired on the 10th day of April, A. D. 1857.

From the testimony before your committee, it appears that the said memorialists have complied with all the regulations of the general law on the subject of the extension of patents by the Commissioner of Patents, but for some reason not fully developed in the case, the extension asked for by the memorialists was not granted.

Your committee are fully satisfied, from an examination of all the facts in this case, that the invention of Messrs. Perkins & McMahon is of great value and importance to the country, inasmuch as the wheels constructed on the plan of the patent of the memorialists combine the advantages of durability and utility, and consequent safety to life and property on railroads.

The memorialists have adduced proof of the value, utility, and skill, of their invention from men eminent for their scientific knowledge and intimate acquaintance with all the known modes of constructing wheels for locomotive engines and other vehicles, used on the railroads of our country, which establishes the superiority of the invention of Perkins & McMahon over all others now in use.

On this point, your committee are satisfied that the testimony is abundant and conclusive, and fully establishes the fact that the invention of Messrs. Perkins & McMahon is both novel, ingenious, and of great utility. The evidence also shows that the memorialists have encountered no inconsiderable degree of difficulties and opposition from foreign interests in the introduction of their invention into use; and that these hindrances have occasioned a large amount of expense, without a corresponding remuneration.

The moderate price at which they sold the right to use their invention has not enabled them to reimburse themselves for their outlay, time, trouble, and skill, in getting up the invention and introducing it into general use; and hence your committee are of the opinion that an extension should have been granted them by the Commissioner of Patents.

In this connection your committee would state that the examination of the case of Messrs. Perkins & McMahon, was made, not by the then Commissioner of Patents, but by the Chief Clerk, and from a letter from the Commissioner of Patents, addressed to Messrs. Perkins & McMahon, under date of June 2, 1858, he says, *inter alia*:

"Your letter of the 21st ultimo has been received, together with certified copies of all the papers necessary to enable me fully to understand the case of your application for the extension of your patent of April 10, 1843, for an improvement in the manner of constructing car wheels, &c. After a full examination of the papers and the original patent, together with the grounds on which the extension was refused, I have no hesitation in saying that I think the examiner was in error in his conclusion that the invention was not originally patentable. Had I been present at the time the matter was acted upon, I should have had no hesitation in granting the extension, if no other reason for refusing it had been presented than that contained in the two reports of the examiner."

Your committee think that the above is conclusive of the right and justice of granting the prayer of the memorialists, and have reported a bill accordingly.